

Application Serial No.: 09/286,530
Attorney Docket No.: 2C03.1-220
CIBA Docket No.: CL/V-31739/WEJ1239

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CHAPOY et al.)
Serial No.: 09/286,530)
Filed: April 5, 1999)
For: "BIOMEDICAL DEVICES WITH)
POLYIMIDE COATING")

Group Art Unit: 3738
Examiner: Prebilic, Paul B.
Confirmation no.: 5116

OFFICIAL

Commissioner for Patents
Mail Stop Amendment
PO Box 1450 Alexandria, VA 22313-1450
Via Facsimile: (703) 872-9306, Att'n Ex. Paul B. Prebilic

July 23, 2004

Statement of Substance of Interview

Dear Sir:

In response to the Interview Summary mailed July 15, 2004, Paper No. 31, below is Applicants statement of the substance of the interview. The formal written reply to the last Office Action was faxed to the Examiner on July 13, 2004.

This Statement is believed to be timely. The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 50-1513.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being submitted via facsimile to the Commissioner for Patents at (703) 872-9306, on the date indicated below.

Patricia L. Ades

Date

July 23, 2004

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SUMMARY

The Interview Summary mailed July 15, 2004, Paper No. 31, has been received and reviewed. As a general matter, the undersigned attorney agrees with the summary of the substance of the interview provided by Examiner Prebilic in his Interview Summary.

The undersigned attorney asked Examiner Prebilic whether it can be inferred from the latest Office Actions that he is construing limitations added in previous responses like "unitary structure" and "single casting" to be synonymous with "monolithic" since he still is discussing the art and claims with monolithic language and not explicitly addressing these new limitations.

He replied that he considered them to be the same especially when using language in product-by-process limitations rather than structural limitations.

The undersigned attorney and Examiner Prebilic also discussed the Patel '262 reference, specifically section of col. 4 discussing haptics and the core/sheath embodiment. The undersigned attorney pointed out that there is no disclosure regarding whether core and sheath were made of same material and if the same material and the material prevents leaching, why would a clear sheath be needed? Also, since there is no discussion of the mechanism by which the clear sheath prevents leaching, there is no disclosure that polyimide actually prevents leaching. This is only an inference or assumption by the examiner of the mechanism by which leaching is prevented.

Examiner did not agree nor disagree with these statements. Examiner Prebilic tried to find language regarding the materials of the core vs. the sheath and could not find any during the course of the phone conversation.

The undersigned attorney stated that her reply to the Office Action would contain these discussed arguments and others as to the propriety of combining the Patel reference with the other cited references.

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The undersigned attorney also requested that she and the examiner discuss the case after he reviews the Response to the Office Action in order to determine whether it is more prudent to continue to prosecute the case or to file an appeal if the examiner maintains the same reasoning.

CONCLUSION

In view of the formal written reply to the last Office Action submitted previously and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,



Patricia L. Ades
Reg. No. 44,496

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